

REMARKS

This Amendment is submitted in response to the January 29, 2004 Office Action issued in connection with the above-identified patent application. By this Amendment, claims 1, 9, 19, 27, 35, 39 and 40 have been amended as set forth hereinabove, and claims 8, 26, 37 and 38 have been cancelled. No new matter has been added. The independent claims are amended independent claims 1, 19 and 35. The Examiner's review and consideration of the amended claims in view of the following remarks is respectfully requested.

As explained in the Remarks submitted with applicants' October 31, 2003 Request for Reconsideration, applicants' invention is directed to a method (claim 1) and systems (claims 19 and 35) for networking and controlling appliances within a local environment containing a local controller such as a mobile phone or a personal digital assistant, and a local server. Each appliance is controllable by a corresponding appliance control module (e.g., a software list of instructions). According to amended claim 1, the inventive method is for networking and controlling appliances within a local environment containing a local server responsive to commands received from a mobile phone, or a personal digital assistant, having a local controller function. The method includes the steps of (a) installing on the local server, an appliance control module for each appliance that is to be controlled by the local controller, (b) providing communication between the local server and the appliances, and (c) accessing the local server with the local controller when the local controller is either within the local environment, or outside the local environment, to select one of the installed appliance control modules. In other words, the local controller is operable when it is within the local environment containing the local server and when it is outside of the local

environment. Similar features are found in amended network claim 19 and in amended network claim 35.

Turning now to the Office Action, the Examiner has rejected claims 1-12, 14-29 and 31-40 as allegedly anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 5,485,634 (Weiser). The Examiner has also rejected claims 13 and 30 as allegedly rendered obvious from the combination of Weiser and U.S. Patent No. 6,466,781 (Bromba). Applicants respectfully traverse these rejections.

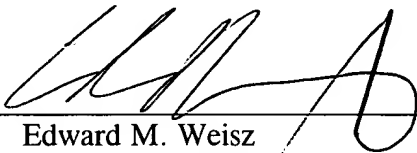
Weiser discloses a system which is only operable in a local environment and, in particular, within a specific one of adjacent cubicles so that a controller for use in one cubicle will not control devices located within a neighboring cubicle. In this regard, the cubicle walls 13 of Weiser are described as "essentially opaque" and the controller uses IR (e.g. line-of-sight communication) to control the devices contained only within the cubicle. (See, Weiser col. 6, lines 20-30, and FIG. 1). The mobile controller (elements 24 or 26 in FIG. 1) "registers" with the cubicle automatically upon entering the cubicle. See Weiser col. 7, lines 29-31. Thus, a user's badge or other identification device (element 32) is used to identify the user upon entering the cubicle in order for the user to gain access to and control devices within the cubicle.

In contrast, the present invention allows a user to control appliances in a local area (e.g., a user's home), when the user is either within the local environment or outside the local environment. This is accomplished by accessing the local server when the user is in the home (e.g. the local environment), such as by using Bluetooth, or when a user is outside of the home, such as by connecting to the local server via the internet. There is no teaching of this capability in Weiser. In fact, due to the nature of Weiser, i.e. the adjacent cubicle environment, Weiser teaches away from a remote access of a server and only provides for such access upon the user entering a specific cubicle whereupon a user is "registered".

For the foregoing reasons, it is respectfully submitted that amended independent claims 1, 19 and 35 are not anticipated, nor rendered obvious, by Weiser. Moreover, and for the reasons discussed above, because Weiser teaches away from the present invention as now claimed in the amended claims, the combination of Weiser with Bromba also does not render any of the claims obvious. As the remaining claims depend either directly or indirectly from amended independent claims 1, 19 and 35, it is believed that all pending claims are now in condition for immediate allowance.

Respectfully submitted,

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